

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WESTPORT INSURANCE CORPORATION,	:	
	:	
Plaintiff,	:	Case No. 10 CV 2188 (RMB) (THK)
	:	
v.	:	
	:	
THE HAMILTON WHARTON GROUP, INC.,	:	NOTICE OF MOTION
WALTER B. TAYLOR, individually,	:	
	:	
and	:	
	:	
INTER-COMMUNITY MEMORIAL	:	
HOSPITAL OF NEWFANE, INC., et al.,	:	
	:	
Defendants.	:	
----- x		
THE HAMILTON WHARTON GROUP, INC. and	:	
WALTER B. TAYLOR, individually,	:	
	:	
Third-Party Plaintiffs,	:	
	:	
v.	:	
	:	
IAAC, Inc., and INDEPENDENT INSURANCE	:	
AGENTS & BROKERS OF NEW YORK, INC.	:	
	:	
Third-Party Defendants.	:	
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PLEASE TAKE NOTICE that upon the first 24 pages of the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment Dismissing the Complaint and in Support of Third-Party Defendants' Motion to Dismiss the Third-Party Complaint (the "Memorandum of Law"), the accompanying Declaration of Kevin L. Smith ("Smith Dec."), dated October 29, 2010, the exhibits annexed thereto, the Declaration of Walter B. Taylor, dated October 27, 2010, the exhibits annexed thereto, and Defendants' Statement of Undisputed Facts Pursuant to Local Rule 56.1 of the United States District Court for the

Southern District of New York, Defendants The Hamilton Wharton Group, Inc., Walter B. Taylor, individually, Inter-Community Memorial Hospital of Newfane, Inc. n/k/a Eastern Niagara Hospital, Inc., Integrated Care Systems, LLC, and the Healthcare Facilities Defendants¹, by their undersigned attorneys, will hereby move this Court before the Honorable Richard M. Berman, United States District Judge, on a date to be determined by the Court, at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Defendants summary judgment, dismissing the Complaint and granting such further relief as this Court may deem just and appropriate.

PLEASE TAKE FURTHER NOTICE that upon the final 10 pages of the accompanying Memorandum of Law, and Exhibit H annexed to the Smith Dec., Third-Party Defendants IAAC, Inc., and Independent Insurance Agents & Brokers of New York, Inc., will hereby move this Court before the Honorable Richard M. Berman, United States District Judge, on a date to be determined by the Court, at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b) (1) and (6) of the Federal Rules of Civil Procedure, dismissing the Third-Party Complaint and granting such further relief as this Court may deem just and appropriate.

¹ The Healthcare Defendants consist of Defendants A&T Healthcare, LLC, Bezalel Nursing Home Company, Inc., Creative Lifestyles, Inc., E.R.N.H., Elmhurst Care Center, Inc., George Katz d/b/a The New Brighton Manor of Long Beach Home for Adults, Suzie Klein d/b/a The New Brighton Manor of Long Beach Home for Adults, Highland Care Center, Inc., Hudson Valley Home Care, Inc., New South Shore Manor, Nyack Manor Nursing Home, Royal Health Care Services, Inc., The Denelisse Corporation, The Estate of Paul C. Maggio d/b/a Patchogue Nursing Center, Unique People Services, Inc., and United Presbyterian and Reform Adult Ministries d/b/a Flushing House.

Dated: New York, New York
October 29, 2010

Respectfully submitted,
STROOCK & STROOCK & LAVAN LLP

By: /s/
Kevin L. Smith
Jeremy S. Rosof
Derek I.A. Silverman
*Attorneys for Defendants The Hamilton Wharton
Group, Inc. and Walter B. Taylor, individually*
180 Maiden Lane
New York, New York 10038
(212) 806-5400

ZDARSKY SAWICKI & AGOSTINELLI LLP

By: /s/
Joseph E. Zdarsky
David E. Gutowski
*Attorneys for Defendants Inter-Community
Memorial Hospital of Newfane, Inc. n/k/a
Eastern Niagara Hospital, Inc. and Integrated
Care Systems, LLC*
404 Cathedral Place
298 Main St., Ste. 404
Buffalo, New York 14202
(716) 855-3200

SHAUB, AHMUTY, CITRIN & SPRATT LLP

By: /s/
Steven J. Ahmuty, Jr.
Timothy R. Capowski
Gerard S. Rath
*Attorneys for the Healthcare Facilities
Defendants*
1983 Marcus Avenue
Lake Success, New York 11042
(516) 488-3300

KEIDEL WELDON & CUNNINGHAM, LLP

By: /s/
Robert Grande
Darren B. Renner
*Attorneys for Third-Party Defendants IAAL, Inc.,
and Independent Insurance Agents & Brokers of
New York, Inc.*
926 Westchester Avenue
White Plains, New York 10604
(914) 948-7000